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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re the Application of: **Koji NOZAKI et al.**

Group Art Unit: 1752

Serial No.: 10/623,679

Examiner: **Amanda C. Walke**

Filed: **July 22, 2003**

Confirmation No.: 5083

For: **RESIST PATTERN THICKENING MATERIAL, RESIST PATTERN
AND PROCESS FOR FORMING THE SAME, AND
SEMICONDUCTOR DEVICE AND PROCESS FOR
MANUFACTURING THE SAME**

Attorney Docket Number: **030891**

Customer Number: **38834**

SUBMISSION OF SUBSTITUTE PAGE OF APPEAL BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

August 30, 2005

Sir:

Applicants submit herewith a substitute page of the Appeal Brief filed on July 25, 2005 in the above-identified U.S. patent application. An error occurred without deceptive intent in the appeal brief filed on July 25, 2005. Applicants requests to substitute page 7 of the Appeal Brief.

The paragraph beginning at page 7, line 7 of the appeal brief filed on July 25, 2005 has been corrected as follows:

In this respect, the compounds disclosed as the "light-absorbing ingredient" at col. 9, line 58 to col. 10, line 5 are not water-soluble. For example, disclosed "benzophenone" has a structure of (C₆H₅COC₆H₅), which is not water-soluble and whose non water-solubility is apparent from its chemical structure, which is also supported by Section 9 of the Evidence as attached. Thus, even the combination of the cited references does not make the claimed invention.

Submission of Substitute Page of Appeal Brief
Serial No. 10/623,679
Docket No. 030891

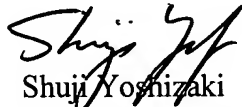
It is clear that the disclosed "benzophenone," having a structure of ($C_6H_5COC_6H_5$), is not water-soluble from the context of the argument,. This is also supported by Section 9 of the Evidence as attached.

Applicants herewith attach the marked-up version of the substitute page.

If any additional fees are due in connection with this submission, please charge our Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP



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Limited Recognition

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Attachment: Substitute Page of the Appeal Brief (marked-up version and clean version)
Limited Recognition

Q:\2003\030891\030891 submission of substitute page of appeal brief.doc

The same arguments are applied to claim 21.

(3) Claims 9-13 under 35 U.S.C. §103(a)

The Office Action dated January 25, 2005 rejected claim 9 further citing Sato et al. The Office Action discusses about Sato's "light-absorbing ingredient." Page 3, lines 7-19 of the Office Action dated January 25, 2005. However, the claimed water-soluble aromatic compound does not correspond to the Sato's "light-absorbing ingredient."

In this respect, the compounds disclosed as the "light-absorbing ingredient" at col. 9, line 58 to col. 10, line 5 are not water-soluble. For example, disclosed "benzophenone" has a structure of $(C_6H_5COC_6H_5)$, which is not water-soluble and whose non water-solubility is apparent from its chemical structure, which is also supported by Section 9 of the Evidence as attached. Thus, even the combination of the cited references does not make the claimed invention.

VIII. CONCLUSION

For the above reasons, appellants request that the Board of Patent Appeals and Interferences reverse the Examiner's rejections of claims 1-22.

The same arguments are applied to claim 21.

(3) Claims 9-13 under 35 U.S.C. §103(a)

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In this respect, the compounds disclosed as the "light-absorbing ingredient" at col. 9, line 58 to col. 10, line 5 are not water-soluble. For example, disclosed "benzophenone" has a structure of $(C_6H_5COC_6H_5)$, which is not water-soluble and whose non water-solubility is apparent from its chemical structure, which is also supported by Section 9 of the Evidence as attached. Thus, even the combination of the cited references does not make the claimed invention.

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For the above reasons, appellants request that the Board of Patent Appeals and Interferences reverse the Examiner's rejections of claims 1-22.